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**Federal Communications Commission**

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**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of

Warren Broadcasting, Inc.  
Broadcast Station KXLQ AM  
Indianola, Iowa

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FileNo. EB-04-KC-069  
NOV No. V20043256007

**NOTICE OF VIOLATION**

**Released: June 4, 2004**

By the District Director, Kansas City Office, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,<sup>1</sup> to Warren Broadcasting, Inc..

2. On May 12, 2004, an agent of the Commission's Kansas City Office inspected AM Broadcast radio station KXLQ, licensed to Indianola, Iowa and observed the following violations:

- a. 47 C.F.R. § 11.15: All stations are to maintain an EAS Operating Handbook. The handbook is to be available at All EAS control points.

At the time of inspection no EAS Handbook was available.

- b. 47 C.F.R. § 11.52(d): "Broadcast stations ... must monitor two EAS sources. The monitoring assignments of each broadcast station ... are specified in the State EAS Plan and FCC Mapbook. They are also developed in accordance with FCC monitoring priorities..."

At the time of inspection, only one EAS source, WHO-AM, was being monitored and the station logs reflected receiving only one source. Only three weeks of EAS logs were available at the time of inspection.

- c. 47 C.F.R. § 11.61(a)(1)(v): "Tests of EAS procedures...Required Monthly Tests:...must be transmitted within 60 minutes of receipt.

At the time of inspection no records were found to indicate that a required monthly EAS test had been retransmitted and only one record, dated 5/05/04, that a monthly EAS test had been received from WHO-AM.

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<sup>1</sup> 47 C.F.R. § 1.89.

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- d. 47 C.F.R. § 11.61(a)(2)(i)(A): “Tests of EAS procedures...Required Weekly Tests:...AM, FM, and TV stations must conduct tests...at least once each week and at random days and times...”

At the time of inspection weekly EAS tests were only logged during the period 4/19/04 to 5/12/04. No other tests were found for the two years as required. With the response to this notice provide a reason why records of weekly EAS test received or transmitted were not available as required.

- e. 47 C.F.R. § 11.35(a): Broadcast stations must determine the cause of any failure to receive the required EAS tests.

At the time of the inspection only three weeks of EAS logs were available from 4/19/04 to 5/12/04. The station logs did not indicate why EAS tests had not been received or sent. The logs also did not indicate why the station was only monitoring one source instead of the required two sources. With this response provide why this station was not monitoring the secondary source of EAS tests and also why EAS tests were not logged as required.

- f. 47 C.F.R. § 73.3526(e)(5): A copy of the most recent, complete ownership report filed with the FCC for the station, together with any statements filed with the FCC certifying that the current report is accurate, and together with all related material. These materials shall be retained until a new, complete ownership report is filed with the FCC, at which time a copy of the new report and any related materials shall be placed in the file.

At the time of the inspection of the public file a current copy of the Ownership Report was not found in the file.

- g. 47 C.F.R. § 73.3526(e)(12): The public inspection file shall contain for commercial FM broadcast stations, every three months a list of programs that have provided the station’s most significant treatment of community issues during the preceding three month period. The list for each calendar quarter is to be filed by the tenth day of the succeeding calendar quarter (e.g., January 10 for the quarter October—December, April 10 for the Quarter January—March, etc.).

At the time of the inspection of the public file no current issues/programs list was found. The last issues/programs list found in the file was dated 9/30/03. As part of the response to this notice, provide a copy of the fourth quarter of 2003 and a copy of the first quarter of 2004 issues/programs list.

- h. 47 C.F.R. § 73.1840(a): Any log required to be kept by station licensees shall be retained by them for a period of 2 years.

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At the time of inspection only three weeks of EAS logs were available from 4/19/04 to 5/12/04.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,<sup>2</sup> and Section 1.89 of the Commission's Rules, Warren Broadcasting, Inc., must submit a written statement concerning this matter within 20 days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of the licensee with personal knowledge of the matter. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission  
Kansas City Office  
520 NE Colbern Road  
Second Floor  
Lee's Summit, MO. 64086-4711

4. This Notice shall be sent to Warren Broadcasting, Inc., PO Box 228, Pella, IA 50219.

5. The Privacy Act of 1974<sup>3</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>4</sup>

FEDERAL COMMUNICATIONS COMMISSION

Robert C. McKinney  
District Director  
FCC/EB/Kansas City Office

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<sup>2</sup> 47 U.S.C. § 308(b).

<sup>3</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).

<sup>4</sup> 18 U.S.C. § 1001 *et seq.*